IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.507 OF 2007

Mr.Eshwar E. Naik. ..Petitioner.
Vs.
Balaji Travels Pvt. Ltd. and ors. ..Respondents.

None for the Petitioner.

Smt.M.H.Mhatre, APP. for the State.

CORAM : R.S. MOHITE, J.
DATED : 20th November, 2007.

P.C.

1. This petition was called out yesterday when the Advocate for the petitioner was absent. The matter was adjourned till today. The Advocate for the petitioner is absent even today.

2. I have perused the record. After trial period of 11 years the petitioner has been convicted of the offence punishable under Section 138 of the Negotiable Instruments Act. The petitioner has been sentenced to suffer one year simple imprisonment and directed to pay an amount of Rs.10,50,500/- which is the principal amount of the Cheque and interest at the rate of 6% per annum. Against this judgment and order, the petitioner preferred an appeal in

the Sessions Court. By the impugned interim order dated 16.10.2006, the sentence was suspended subject to condition of depositing an amount of Rs.5,26,000/- by the petitioner in the court within two months. There was default of the condition and hence, by further impugned order dated 1.3.2007 default was recorded. The absence of the petitioner was also recorded and the order suspending substantial sentence was withdrawn. The Court directed to issue arrest warrant and further directed that warrant could be withdrawn on payment of Rs.50,000/- on or before 15.3.2007. The said amount of Rs.50,000/- was deposited on 3.3.2007. The Court therefore, withdrew the warrant but did not withdraw the condition of depositing an amount of Rs.5,26,000/-. The petition challenges the order dated 16.10.2006 (wrongly mentioned as 13.10.2006) and further order dated 1.3.2007. In my view, there is no error committed by the first Appellate Court in passing the conditional order suspending the substantial sentence. The order is reasonable and proper. No substance in the petition. Hence, petition is rejected on merits.

(R. S. MOHITE, J.)

:3:

x